



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/169059

PRELIMINARY RECITALS

Pursuant to a petition filed September 30, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, a hearing was held on October 29, 2015, at Racine, Wisconsin.

The issue for determination is whether the agency properly determined the Petitioner's BC+ benefits effective November 1, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Madeline Rice

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. On September 16, 2015, the Petitioner contacted the agency to report new employment with [REDACTED].

3. On September 17, 2015, the agency issued a Notice of Proof Needed to the Petitioner requesting employment verification. The due date for the information was September 28, 2015. No verification was submitted to the agency.
4. On September 29, 2015, the agency issued a Notice of Decision to the Petitioner informing him that he was not eligible for BC+ benefits effective October 1, 2015 due to failure to provide requested employment verification.
5. On September 30, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.
6. On October 16, 2015, the Petitioner submitted employment verification to the agency. He works 40 hours/week at \$8.50/hour. His counted income for purposes of BC+ was determined to be \$1,360.

DISCUSSION

Effective April 1, 2014, all childless adults with income at or below 100% of the FPL are eligible for BC+. The income limit of 100% of FPL for a one-person household is currently \$980.83. Wis. Stat., §49.471(4)(a); MA Handbook, Appendix 50.1.

The Petitioner does not dispute that his income exceeds 100% of the FPL of \$980.83. He testified that his current job is temporary and that he needs insurance to cover his medications. He cannot afford his employer's insurance. Petitioner was advised that the agency has information for him regarding obtaining insurance through the federal marketplace. He was further advised to report to the agency if his income changes to fall below 100% of the federal poverty level.

Based on the information provided, I conclude the agency properly determined the Petitioner is not eligible effective October 1, 2015 for BC+ due to income exceeding the program limits.

CONCLUSIONS OF LAW

The agency properly determined the Petitioner is not eligible for BC+ effective October 1, 2015 due to income exceeding the program limit.

THEREFORE, it is

ORDERED

That the Petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

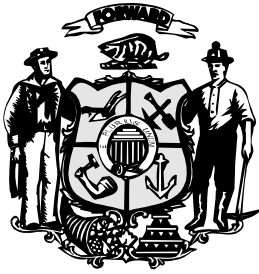
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 24th day of November, 2015

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 24, 2015.

Kenosha County Human Service Department
Division of Health Care Access and Accountability